

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAY 25 2005

OFFICE OF
MANAGING DIRECTOR

Stuart W. Nolan, Jr.
Counsel for Baldwin Broadcasting
Company, D.I.P.
Wood, Maines & Brown, Chartered
1827 Jefferson Place, N.W.
Washington, D.C. 20036

DOCKET FILE COPY ORIGINAL

Re: Baldwin Broadcasting Company, D.I.P.
Regulatory Fees for FYs 2002, 2003, and 2004
Fee Control No. 00000RROG-05-035

Dear Mr. Nolan:

This responds to your letters dated December 7, 2004, January 5, 2005, and February 23, 2005, submitted on behalf of Baldwin Broadcasting Company, D.I.P. (Baldwin Broadcasting) requesting waiver of the regulatory fees for fiscal years (FYs) 2002, 2003, and 2004, as well as any other FY during which Baldwin Broadcasting has been under Chapter 11 bankruptcy protection, for stations WAVH-FM, Daphne, Alabama, and WZEW-FM, Fairhope, Alabama. Our records show that Baldwin Broadcasting has not paid the \$3,312.50 and \$2,531.25 regulatory fees for FY 2003 for WAVH-FM and WZEW-FM, respectively, which include late penalties. Our records also show that Baldwin Broadcasting has not paid the \$2,562.50 and \$1,812.50 regulatory fees for FY 2001 for WAVH-FM and WZEW-FM, respectively, which include late penalties.

You assert that Baldwin Broadcasting is under the protection of Chapter 11 of the U.S. Bankruptcy Code as the result of a petition filed in the U.S. Bankruptcy Court for the Eastern District of Virginia on November 3, 2000.

Your request for refund of the FY 2001¹ and FY 2002 regulatory fees was not filed with the Commission until long after the close of the FYs in question and, accordingly, does not provide a basis for relief or otherwise warrant any further consideration. We therefore deny your request for a refund of the regulatory fee for FY 2001 and FY 2002.² Payment of the \$2,562.50 and \$1,812.50 regulatory fees for FY 2001 for WAVH-FM and WZEW-FM, respectively, which include late penalties, is now due.³ The regulatory fees and late charge penalties (i.e., \$4,375.00) should be filed with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter.

¹ Baldwin Broadcasting entered bankruptcy during FY 2001.

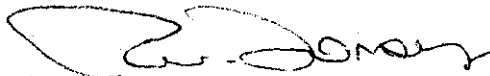
² See Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, FCC, to C. Michael Curry (dated Aug. 27, 2002) (denying untimely request for regulatory fee relief for FYs 1997, 1998, and 1999, because the request was filed on March 14, 2002, "long after the fiscal years in question").

³ The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.

As to the FYs 2003 and 2004 regulatory fees, the Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship. Evidence of bankruptcy or receivership is sufficient to establish financial hardship. See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12761-62 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). Based on the documents you submitted concerning Baldwin Broadcasting's bankruptcy status, your request for waiver of the regulatory fees for FYs 2003 and 2004 is granted.

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", written over a horizontal line.

Mark A. Reger
Chief Financial Officer

WOOD, MAINES & BROWN
CHARTERED
ATTORNEYS AT LAW
1827 JEFFERSON PLACE, N.W.
WASHINGTON, D.C. 20036

BARRY D. WOOD
RONALD D. MAINES
PAUL H. BROWN
STUART W. NOLAN, JR.*

*Admitted in Virginia only

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JAN - 5 2005

BY: _____

TELEPHONE - (202) 293-5333
FACSIMILE - (202) 293-9811
E-MAILS - WMB@WMBLAW.ORG
& WMB@LEGALCOMPASS.COM
WEB - WWW.LEGALCOMPASS.COM

January 4, 2005

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JAN - 4 2005

Federal Communication Commission
Bureau / Office

Claudette E. Pride, Chief
Revenue & Receivables Operations Group
Federal Communications Commission
Financial Operations
445 12th Street, S.W.
Room 1-A821
Washington, D.C. 20554

Re: Baldwin Broadcasting Company, d.i.p. (FRN 003788668)
WZEW (FM), Fairhope, Alabama; Facility ID No. 74287; 20041221AAC

Dear Ms. Pride:

In response to the "Notice of Withholding of Action" dated December 23, 2004, enclosed is a copy of the letter filed on behalf of Baldwin Broadcasting Company, d.i.p. ("Baldwin") on December 7, 2004.

All of the statements made in the December 7 letter apply to the December 23 Notice as well. The FCC has a clear rule exempting entities like Baldwin that are in bankruptcy from liability for regulatory fees. Nevertheless, to date, we have received no response to that letter from anyone in the Revenue and Receivables Operations Group, and the "red light status" is still showing for Baldwin.

Clearly, the red light status relates to a disputed matter as to which we have made every effort to register our objection. According to information provided at a recent FCBA event by Renée Licht of the Office of Managing Director, the December 7 letter should have been sufficient to prompt removal of the red light. Action on applications of great importance to Baldwin are being held up by the erroneous red light status.

Accordingly, the Commission should immediately remove the red light blocking Baldwin's applications.

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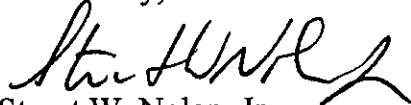
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BY: _____

Claudette E. Pride
January 4, 2005
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Please call me if there are any questions regarding this matter.

Yours truly,

A handwritten signature in black ink, appearing to read "Stu. W. Nolan, Jr.", with a stylized flourish at the end.

Stuart W. Nolan, Jr.

Counsel for

Baldwin Broadcasting Company, D.I.P.

kkb

JAN - 5 2005

WOOD, MAINES & BROWN
CHARTERED
ATTORNEYS AT LAW
1827 JEFFERSON PLACE, N.W.
WASHINGTON, D.C. 20036

BY: _____

BARRY D. WOOD
RONALD D. MAINES
PAUL H. BROWN
STUART W. NOLAN, JR.*

TELEPHONE - (202) 293-5333
FACSIMILE - (202) 293-9811
E-MAILS - WMB@WMBLAW.ORG
& WMB@LEGALCOMPASS.COM
WEB - WWW.LEGALCOMPASS.COM

*Admitted in Virginia only

December 7, 2004

Claudette E. Pride, Chief
Revenue & Receivables Operations Group
Federal Communications Commission
Financial Operations
445 12th Street, S.W.
Room 1-A821
Washington, D.C. 20554

Re: Baldwin Broadcasting Company, d.i.p. (FRN 003788668)
WAVH(FM), Daphne, Alabama; Facility ID No. 3636; 04RE001213
WZEW (FM), Fairhope, Alabama; Facility ID No. 74287; 04RE001554

Dear Ms. Pride:

On behalf of our client, Baldwin Broadcasting Company, Debtor in Possession ("Baldwin"), licensee of the above-referenced stations, we hereby respond to your letter dated December 2, 2004 styled "Notice of Withholding of Action." This will also serve as a formal response to your letters dated February 11, 2004 concerning the same stations. Your letters notified Baldwin of regulatory fees that have not been submitted for the 2003 federal fiscal year. As explained below, these fees are automatically waived with respect to Baldwin.

Baldwin is under the protection of Chapter 11 of the U.S. Bankruptcy Code (11 U.S.C. §§ 1101, *et seq.*) as the result of a petition filed in the United States Bankruptcy Court for the Eastern District of Virginia on November 3, 2000 (Case No. 00-14460RGM). Further details as to the status of the Chapter 11 proceeding may be found in the applications (File Nos. BALH-20001120AAD and BALH-20001120ABJ) for assignment of the subject licenses to the estate in bankruptcy, and in the applications (File Nos. BALH-20020522AAJ and BALH-20020522AAK) by which Baldwin requested the Commission's consent to the assignment of the estate's licenses to Cumulus Licensing Corp. and .com+, LLC, respectively. As the result of the lack of a grant of the WAVH assignment application, the proposed assignee has terminated the underlying asset purchase agreement, and the application has been dismissed.

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Claudette E. Pride
December 7, 2004
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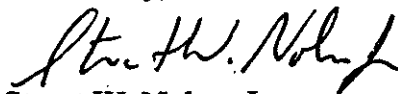
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Under applicable FCC policy, an entity in bankruptcy qualifies for a waiver of regulatory fees. *See Assessment and Collection of Regulatory Fees for Fiscal Year 2003*, 68 FED. REG. 17577 (2003). To the extent that Baldwin must formally request a waiver of the regulatory fee requirement for 2003, we hereby request such a waiver.

In view of the foregoing, Baldwin should not be required to submit regulatory fees for FY2003, or for any other year (including 2002 and 2004) in which Baldwin has been in Chapter 11. We would appreciate confirmation of this fact.

Please contact the undersigned if you require additional documentation of Baldwin's status, or if you have any questions regarding this matter.

Yours truly,



Stuart W. Nolan, Jr.

Counsel for

Baldwin Broadcasting Company, D.I.P.

kkb